

**IDAHO STATE ELECTRICAL BOARD MEETING  
February 10, 2005**

**MINUTES**

*Note: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.*

The Idaho State Electrical Bureau held a regular board meeting at the Division of Building Safety, “Main Conference Room”, located at 1090 East Watertower Street, Meridian, ID on February 10, 2005, and was called to order by Chairman, Stephen Keys at 8:32 a.m. Those attending were:

**ELECTRICAL  
BOARD MEMBERS:**

Steve Keys, Electrical Board Chairman  
Al Frieze  
Tom Brown  
Lee Riley  
Dale Pippitt  
Greg Ford

**ELECTRICAL BOARD  
MEMBERS ABSENT:**

Kreg Davis  
Chris Jensen  
Vacancy Position

**DBS-ELECTRICAL BUREAU  
STAFF MEMBERS:**

Dave Munroe, Administrator  
Gary Malmen, Electrical Bureau Chief  
Kay Christensen, Deputy Attorney General  
Lorraine Mallett, Electrical Administrative Assistant  
Jeff Fitzloff, Electrical Inspection Supervisor  
Marsi Wood, Financial Officer

**VISITORS:**

Kelly Lamp, Southwest Idaho Electrical JATC  
Robert Gordon, Lea Electric  
Scott P. Bohn, Quality Electric  
Joe Andre, NEMA  
Garret Collins, Power Plus  
Robert Farrar, Power Plus  
Todd Jese, Power Plus  
Doug Hatch, ICC  
Jim Schmer, Boise City  
Sophia Fleming, Keto Heating & Cooling  
Lance Barenberg, Idaho Electrical Contracting  
Ray Hoy, REH Electric  
Burton Waite, Prof-Tech ED  
Ryan Saich, Romar Electric  
James R. Weimer, E ID Elect JATC  
Rdean Lang, ESI  
Larry Wearin, IBEW  
John Stricklin, Idaho Chapter IAEI  
Skip Richardson, Commercial Electric  
Howard Taub, Correct Equipment, Inc

David Brodigan, Dave’s Electric  
Bob Eugene, Underwriters Laboratories  
Daryl Nelson, Tri State  
Joe Hemenway, Tri State  
Chris Zesiger, Ridgeway  
Kory Peterson, Mtn Power  
Jory Lawerence, Tri State  
O.Z., Q.E.I.  
Gale Roberts, Roberts Electric  
Jean-Claude Aymon, Sunshine Electric  
Leon Brooksbin, Sunshine Electric  
Ed Loughney, SW Idaho Elec JATC  
Dan Cromie, Quality Electric  
Bob Corbell, IEL  
Harold Welch, city Meridian  
Russell Hill, IBEW 449  
Brent Crane, Crane Alarm  
Michael Johnson, Alloway Electric  
Shane Vigil, ELI  
Stephanie Franks, Area 2 Inspector Supervisor

## **MINUTES**

**MOTION:** Mr. Lee Riley made a motion to accept the minutes of November 18, 2004; December 9, 2004; and January 5, 2005 as written. The motion was seconded by Mr. Greg Ford, motion passed unanimously.

## **ELECTRICAL INSPECTIONS/COMPLIANCE REVIEW**

Chairman Steve Keys directed board members to page 17 in the board packet to the rules governing Civil Penalties. Gary Malmen talked about the draft for Guidelines for Civil Penalties, that it would be helpful to have set guidelines for the Electrical Bureau to follow when addressing Civil Penalties. Dave Munroe, Administrator was asked on what would he prefer to do with Civil Penalties? It was agreed that discussion was needed and maybe the Electrical Board could be reviewing the Civil Penalties? Consensus of board was that a warning letter for the first offense is preferred. Mr. Munroe commented that the Legislature is not happy with Civil Penalties, that the issuance of civil penalties puts a bigger burden on the industry/trade and the Bureau, which generates a lot of complaints. Other input was that compliance is out of control, it is one of several things that have been talked about and needs to be addressed at a division wide level instead of each board going their own way. Compliance officers would make it more equal on catching compliance violators but the legislature is not going to give division compliance officers at this time. Greg Ford commented that the draft looks to give more structure for civil penalties such as a warning letter for the first offense. A comment that having guidelines without enforcement was not going to change much, that the reality of this situation is to have the Electrical industry to get the Legislature to address compliance issues.

Comments from the industry public at the meeting was that they understood the compliance situation but they want the Bureau to keep doing what they can to catch violators-even if not going to catch everyone. Greg Ford pointed out that not permitting jobs and not having an electrical contractors license top compliance problems. It was noted that it is easiest to catch the non-permitting and non-contractors license, harder to catch apprentice ratios and other compliance issues. The question if City officials catch an apprentice compliance issue can State enforce it, was brought up. The City can record the complaint with the State but difficulty to uphold the complaint especially with apprentices because usually there are no witness's. Electrical Bureau does have a complaint form that can be filled out.

**MOTION:** Mr. Tom Brown moved to accept Rules Governing Civil Penalties IDAPA 07.01.11011 Guidelines for Implementation with warning letter imposed with double fee assessed as first offense for failure to permit and minimum for acting as an electrical contractor be \$500.00 only if justified by fact that contractor has been licensed as contractor before or currently licensed in another jurisdiction. Greg Ford seconded motion. Motion carried unanimously.

**Action:** Electrical Bureau will make changes on guidelines for implementation and will begin using them for civil penalties.

## **IDAHO LEGISLATIVE ISSUES – 2005 SESSION**

Chairman Keys acknowledged Bob Corbell to report on what is happening in the legislature.

**House Bill # 163** - General Construction Contractor legislature for licensing looks to be a slam dunk at this time. Bureau of Occupational Licenses will be handling the licenses for Construction Contactor Registration which will dilute the one stop shop for contracting the Division was trying for.

**House Bill #141** – Electrical Contractor will have to show proof of liability insurance of \$300,000.00 and workmen' compensation insurance if applicable – this would be compliable as of July 1, 2005.

**House Bill # 139** – Electrical Board will need to decide what to do with communications, if rules will be needed. This bill exempts telephone companies and property owners.

Another bill maybe introduced with Public works that would require prequalification but looks like pre-selection problems in the bill and it creates tremendous work for Bureau for 10% of the construction in place – leaves the rest out. Bob Corbell had not seen the last draft on this bill, so was uncertain what it contained.

### **ELECTRICAL SPECIALITES REQUIRING A SPECIALTY LICENSES**

Chairman Steve Keys directed the board to page 29 of the board packet to the IDAPA 07.01.04014.7 Refrigeration, Heating and Air-Conditioning. There are conflicts with statutes overlapping in the HVAC and Electrical contractors requirements. The Division of Building Safety is looking for the best resolution to work out how to handle the problems that are arising from these overlaps. Mr. Gary Malmen pointed out that the problems are not just a licensing issue but also an inspection issue. The Division of Building Safety had the Chairmen of HVAC, Plumbing and Electrical brought together to form a task force, to work on coming up with solutions for overlapping concerns/issues. They will be working on getting a subcommittee/task force together to discuss proposals and come up with workable solutions. The Electrical Bureau asked how to proceed with the situations/problems at this time? Chairman Keys replied at present time keep doing what is needed to deal with each situation and that the three Bureau's would need to keep working together on inspections until solutions have been worked out.

### **ADMINISTRATIVE APPEALS HEARING (CIVIL PENALTIES)**

**WESTECH FUEL EQUIPMENT** represented by Ryan P. Henson, Attorney (Hall, Farley, Oberrecht and Blanton, P.A.) Mr. Henson presented that the Westech Fuel Equipment, a gas key lock system, that was being worked on at the time the civil penalty was issued was a communication device that controls how much gas is to be pumped. ID Code 54-1016 was quoted - literature of apparatus of the keys information coded to communicate with the pump. Second Civil Penalty to the citation was 54.1017 which was a violation which constitutes a misdemeanor, a criminal penalty that subjects a person up to six months in jail or a \$300.00 fine. Because of that statute it should be construed strictly in favor of the defendant. To violate that statute any person who is working on a home appliance could be construed as being in violation of this statute. Westech requested that the citation be waived.

Jeff Fitzloff put a picture of the actual device up on the power point board. Discussion followed on what actual work was done, what the apparatus was listed for – 120V and UL Listed. Mr. Henson commented that even if apparatus not found to be communications device that it would still be exempt, statute is so vague and broad that citation not constitutional. Chairman Keys thanked Mr. Henson for his information and that the board would take this under advisement and would get back to him as soon as possible, with their decision.

**BLAZE SIGN AND GRAPHIC DESIGN** – Tony Golsarry, President was contacted by telephone to hear their appeal.

On the civil penalties for the work done at the Chevron Station in Soda Springs, Blaze Sign was asked to put up Spanners at the Chevron Station. Installation of Level 2 Spanner - job was not what Blaze Sign expected it to be, when the crew went down to install Spanners they were old, not new Spanners. The construction crew was putting up the skin, the raceways, the plastic bracketing, the metal cutting everything getting it ready – basically built on the job for an electrical sign. Blaze Sign was constructing an electrical sign on site, but Tony Golsarry repeated that Blaze Sign did not know situation or type of work that this job was going to involve.

On the last two violations Tony Golsarry explained that Blaze Sign had bid on a job that had to be approved by the job's corporate office and the company didn't get back to them until six months later wanting the work done that week. At that time Blaze Sign was booked for the next couple of months and was unable to do the work. Blaze Sign then called around and found another company that could do the work (Sign Works in Idaho Falls) and passed the job to them. When Sign Works completed the job they were given a corporate check that was made out to Blaze Sign, which Tony Golsarry signed and turned over to Sign Works. Chairman Keys thanked Mr. Golsarry for bringing his concerns to the board and the board would take his information under advisement and would get back to him as soon as possible, with the Board's decision.

### **REVIEW AND ADOPTION OF THE 2005 NATIONAL ELECTRICAL CODE (NEC)**

Chairman Keys acknowledged Mr. Gary Malmen to address the NEC 2005 code changes. Page 64 in the board packet was a draft of the NEC 2005 code changes that will affect the electrical industry. Jeff Fitzloff showed a power point presentation that was an overview (not a code update class) of some of the changes.

**MOTION:** Greg Ford moved for a temporary rule to adopt the draft for the new version of the NEC 2005 code. Lee Riley seconded the motion. Discussion followed with Tom Brown directing board to part 2 on the fusing on the lighting pole with the wording of fast acting might need to be changed to time delay. More discussion on this topic followed with the feeling of the board that the fusing issue on the light pole could be addressed without changing the rule. Motion on floor Chairman Keys called for vote, motion carried unanimously.

**ACTION:** Request for Temporary Rule for 2005 NEC code needs to be submitted.

### **ELECTRICAL INSPECTOR RE-CERTIFICATION AND RENEWAL PROGRAM**

Chairman Keys acknowledged Mr. Gary Malmen to address the electrical inspector re-certification and renewal program. Mr. Malmen directed board members to page 66 in the board packet to a letter from International Association of Electrical Inspectors (IAEI). IAEI certification is no longer “on going”, inspectors must renew, with application renewal fees being assessed. Brought to board’s attention because it appears that the certification that state inspectors have with IAEI is going to terminate and what does the Bureau need to do to keep certification to meet the states requirements? John Stricklin was asked to comment and he agreed with what Mr. Malmen had to say. IDAPA 54.1019 was brought up: are state inspectors in violation? Concern on if inspectors need to be certified for their positions and if there are fees assessed, who pays? The Board’s consensus was that inspectors are not required to stay current in their certification with IAEI and inspectors will be required to pay their own recertification fees.

### **ICC CERTIFICATION AND EXAMINATION SERVICES PRESENTATION**

Chairman Keys introduced Douglas K. Hatch, Manager with International Code Council Certification (ICC) and Examination Services Program. Mr. Hatch gave a power point presentation on ICC’s certification and examinations; giving a brief outline on issuing certifications, contractor licensing exams, third party testing, exam or content validity, the exam development process, what a subject matter expert does and what a job task analyst does.

Some points that came out during questions to Mr. Hatch were:

- 1) Locations to take exams in Idaho at this time can be looked up on Laser Grade’s web site.
- 2) The cost of an exam maybe around \$100.00.
- 3) The State Electrical Board or Bureau would nominate people (8 max) to build the exam with ICC.
- 4) Appointment to take exams would be made through computer or telephone usually within two (2) days.
- 5) Exams would be taken on the computer but paper exams could be offered if needed.

Chairman Keys thanked Mr. Douglas K. Hatch for his time and presentation.

**MOTION:** Tom Brown moved for the board to go into Executive Session during the lunch break to discuss personnel matters. Lee Riley seconded motion. Motion carried, unanimously.

Chairman Steve Keys called meeting back to order at 1:30 pm from executive session meeting.

### **LIGHTING STANDARDS AND “LISTED” HANDHOLE (UNDERGROUND) ENCLOSURES**

Chairman Keys directed board members to page 71 in the board packet and asked Mr. Gary Malmen to address the Lighting standards and listed handhole enclosures documentation. Concern is that there is only one box that is listed for the handhole enclosures. New 2005 code reference 314.30 Handhole enclosures has been purchased but the standard has not been dissected yet. Basically at this time contractor must either have a listed box or have a box that can demonstrate compliance to NEC standards,

nothing else will be acceptable. Rule says handhole enclosures must be listed, enforcement of this? Concern brought up on what is available that can get into ground today or 30 days from now? It was commented that there may be some miscommunication on this subject especially around the definition of “listed” interpretation. If the box meets the requirements in Chapter 10 Administrative Rules than meets the requirements the Board has decreed. There are three ways the requirements can be interpreted:

1. A box that is listed with a listed agency.
2. Third party alternative or
3. Use alternative of having the Bureau look at it and approve it for use (documentation needed showing meets NEC code).

**ACTION:** Gary Malmen will make modifications to drawing on web to make it clearer in regards to the location of the box (enclosure).

### **ELECTRICAL METALLIC TUBING (EMT) – RAINIGHT LISTED FITTINGS**

Chairman Steve Keys acknowledged Mr. Gary Malmen who then explained that when the Board had the Bureau put out notices on raintight fittings years ago that there were no raintight listed fittings available at that time. There are now listings for ½ inch to 2 inch raintight listings. Joe Andre, NEMA commented that in the NEC 2005 code that “raintight” is removed and is replaced with “suitable for the environment”. There were no known manufacturers producing over 2 inches raintight fittings at this time.

**ACTION:** The board agreed that the Bureau should announce what is out there and modify the notice on raintight fittings for the industry and go on as before and leave interpretation with the electrical inspector (leave Status quo as it was before).

### **LUMINAIRE CONVERSIONS, RETROFIT**

Chairman Steve Keys acknowledged Mr. Gary Malmen to address the Luminaire conversions, retrofits. Mr. Malmen commented that the Bureau is seeing a lot of change outs, for energy efficiency, and there are concerns that contractors are not using the appropriate “kit” some have ballast, socket change outs and instructions. Joe Andre, NEMA commented that sockets are wired differently but most of the industry, are not following the instructions for changing out these retrofits. It was commented on that a bigger concern is older buildings, three phase systems and harmonics could have some problems.

### **ELECTRICAL BUREAU FISCAL REPORTS**

Marsi Woody, DBS Fiscal Officer directed board to the fiscal reports that were handed out.

FY2005 Second Quarter revenue and expenses explained and board was reminded that big bills still to be paid were 2<sup>nd</sup> payment building rent, laptops and vehicles that have been ordered that aren’t showing on that report. Graph showed permits and fees and that 5 out of 7 months exceeded previous year’s business – a lot of business is being done. Licensing graph will be changing because just started the 3 year licensing renewal program.

**FY 2006 Budget:** Governor has approved Division of Building Safety budget except about \$52,000 short of what was asked for. Electrical permits from 2001-2004 has had a 21 percent increase. It was mentioned to DFM that the Electrical Board will be asking for Compliance officers in FY 2007 budget request.

### **ELECTRICAL EXAMINATIONS AND LICENSING REPORT**

Chairman Steve Keys commended the Bureau for jumping on the Exam compromise issue and getting that resolved so quickly. Jeff Fitzloff gave report on the examinations scores that have been coming in, that there is a 10% failure change and gave the report on how many electricians are licensed. Chairman Keys asked Gary Malmen on the status of the reciprocity agreements issues discussed at previous meetings. Mr. Malmen had contact with North Dakota on what the Idaho Board wished to do with regards to the education requirements and it was not received very favorable, they felt that they would have to look at the multi state agreement again.

**ACTION:** Board would like the Bureau to expatiate on this issue and communicate that to all parties and if the reception is going to be negative the board would have to make a decision on what to do.

### **QUALIFICATIONS FOR ELECTRICAL CONTRACTOR**

Chairman Keys directed the board to page 87 of the board packet to the qualifications for electrical contractor. The Bureau has been getting a lot of inquiries on when the board is implementing this, the main worry was if it was to be immediately. The Bureau has redone the web site information to reflect that the earliest this would be in effect would be July 2006. The Bureau has received quite a few positive letters and comments in support of this implementation.

### **CONTRACTOR & JOURNEYMAN EXAMINATION MINIMUM REQUIREMENTS**

Chairman Keys acknowledged Gary Malmen for information the board had asked on contractor and journeyman examination stats. Board was directed to page 92 and 93 in the board packet which reflected percentages of contractors and journeyman's first exams and how changing the passing score from 70% to 75% would impact the passing percentages on those exams. The contractor's exam would not be a substantial change but on the journeyman exam there would be a substantial decrease in passing scores. It was asked if reciprocal with other states be better with this increased score requirement? No reciprocity with test scores unless the ability to demonstrate that there are substantial similarities with the exams. To improve profession going to an exam with scientific validity will do it, consideration to create exams that assure that participant has skills to do job. Doug Hatch talked more on what the ICC exams would have to offer the electrical industry in exam requirements. It was voiced that validation is needed, system using now is not fair from public input.

**MOTION:** Tom Brown made motion that the board entertain the motion to looking into ICC Certification and Examination Services and getting it away from the State of Idaho. Getting it independent (think Idaho sitting pretty liable for a lawsuit). Greg Ford seconded motion. Motion carried unanimously.

### **OLD BUSINESS**

Electrical Board sub committee for looking into shifting Bureau resources looked into OSHA program submitted by Kreg Davis. Initial observation was that it was a very complicated process and would require a lot of staff and contractors time to do it. It also appeared to have a limited viability.

Chairman Keys brought up that the board would need to develop some type of small work permit process for communications especially if HB 139(54-1016) goes through. Also Chairman Keys had talked with Mr. Schultz in Minnesota and he is very willing to discuss their states contract inspection program. The sub committee touched on compliance issues and inspectors, realized how frustrating it is for the bureau and everyone involved.

**ACTION:** Board would like the cost of permits relative to inspections (will work with Marsi Woody) to reflect what Bureau is up against.

The Board mentioned that Al Caine's position needs to be filled. Discussion that if position doesn't get filled legislature could take it that the position is not needed.

**MOTION:** Board adopt resolution that Al's position be filled. Greg Ford so moved. Tom Brown seconded motion. Discussion followed and consensus of board was that Division of Building Safety needs to make a concerted effort to get it done. Motion carried, unanimously.

**ACTION:** Al Caine's position needs to be filled

### **APPEALS RE-VISITED**

**WESTECH** - Al Frieze was asked to be excused from discussion because he has a working relationship with Attorneys. Discussion followed on where communicate stops and where electrical begins on the apparatus. Council Kay Christensen had concerns because definitions in 5410.16 are not clear, statute is vague so both sides are defendable.

**DECISION:** All in favor to uphold penalty? All agreed

**ACTION:** Kay Christensen, Deputy Attorney General will write letter.

**BLAZE SIGN** - That the NOV 18269 work done in Soda Springs, the Electrical Board wanted the first part of the violation – knowingly employing an unlicensed person to be upheld at the \$150.00 fee and not uphold the failure to supervise. Discussion on if one person working brought it up that couldn't supervise anyone.

**DECISION:** NOV 18269 uphold violation on knowingly employing an unlicensed person and not uphold violation on failure to supervise.

On NOV 18261 job in Montpelier, board discussed primary contractor that sub contracted it out. Way folks take care of each other in small towns, but gross violation of over charge of permit cost should be penalized and the .07 violation not be upheld.

**MOTION:** Greg Ford made the motion that because of the bid document based on the over charge of the permit that just .09 aspect be upheld for \$150.00. Lee Riley seconded. Motion carried unanimously.

**ACTION:** Kay Christensen, Deputy Attorney General will write letter.

### **NEW BUSINESS**

Chairman Keys acknowledged Howard Taub, Correct Equipment Inc. who wished to address the board on the 1-2 houses for regulation explosion proof ratings for grinder stations. Mr. Taub made the comment that there is no differentiation between 1-2 homes up to 5 houses on pump stations. Bob Eugene commented that in other states pump stations up to 5 homes or equivalent are not classified. Gary Malmen gave history that when this change was discussed before that the 1-2 family homes were put in there as a built in safety factor so that other homes on that pump station could not be added onto. Board asked Howard Taub to write up language for rule change he is asking for being specific that up to 5 homes could not be added onto.

**MOTION:** Al Frieze moved to adjourn, motion was seconded. Motion carried unanimously. Meeting was adjourned at 3:48 pm.

---

DAVE MUNROE  
Secretary of the Board

---

DATE

---

LORRAINE MALLETT  
Minutes Recorder

---

DATE